

**Remarks and Arguments**

Claims 1, 3-5, and 7-9 are pending in the present application. The specification including the Abstract of the Disclosure has been amended. No new matter has been introduced. Claims 1, 5, 7 and 9 have been amended. Claims 2, 6 have been cancelled. Reexamination and reconsideration of the claims, as amended, is respectfully requested and an allowance at an early date is solicited.

The Examiner objected to the specification, specifically the Abstract of the Disclosure. The specification has been amended to comply with the requirements of MPEP 608.01(b). No new matter has been introduced. It is respectfully requested that the objection be withdrawn.

Claims 1, 5 and 7 have been objected to because of spelling errors. These claims have been amended to correct the spelling errors. Accordingly, it is respectfully requested that the objection be withdrawn.

Claims 5, 6, 7 and 9 have been rejected under 35 U.S.C. 112, first paragraph. In particular, the Examiner stated that it is unclear whether steps and ridges referred to as element 20 are one element or different elements. Claim 6 has been cancelled, and the rejection is moot with respect to claim 6. With respect to claims 5, 7, and 9, which have been amended, the rejection is respectfully traversed. As the Examiner assumed, these terms refer to the same element. The relevant claims have been amended to be consistent. It is submitted that the requirements of 35 U.S.C. 112, first paragraph, have been fully met, and it is requested that the rejection be withdrawn.

Claims 1-8 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 2, 6 have been cancelled, and this rejection is rendered moot with respect to these claims. Claims 1, 5, and 7 have been amended. With respect to claims 1, 5, 7, as amended and claims 3, 4, and 8, this rejection is respectfully traversed. Claim 1 has been amended to fully comply with the requirements of 35

U.S.C. 112, second paragraph. Claims 3-5, 7, and 8 depend from claim 1 and are also fully compliant. It is therefore respectfully requested that this rejection is withdrawn.

Claims 1, 2, 5-9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wirkus (U.S. 5,845,443) in view of Alcazar (U.S. Des. 323,896). Claims 2 and 6 have been cancelled. This rejection is rendered moot with respect to these claims. Claims 1, 5, 7 and 9 have been amended. With respect to claims 1, 5, 7 and 9, as amended, and claim 8, this rejection is respectfully traversed.

Claim 1 has been amended to require an elongated spacer having... tear-drop shaped sections, each section having its own "hollow tear-drop shaped interior", i.e., two separate chambers (emphasis added). As shown in Figs. 1, 2, 5 and 6 of the present application, the rigid spacer according to the present invention defines two separate chambers which are separated by a central wall between the tear-drop shaped sections. This imparts further strength to the rigidity of the spacer whose hollow chambers are larger than the thickness of the walls. In comparison, Alcazar's joint with its sun-glass type shape has only one chamber. It lacks "sections", where each section has its own hollow interior. The other reference, Wirkus, completely lacks the tear-drop shaped sections, each with its own tear-drop shaped interior. Rather, its joint is flat, and spaces 30 and 31 are simple slits, not dear-drop shaped. It is improper to use a hindsight to combine the two references. Wirkus came up with its device. It lacks a suggestion to modify its device to come up with the rigid spacer as claimed, or to combine with the device of Alcazar, which shows an ornamental design of a plastic joint.

Claim 9, as amended, is directed to the rigid spacer according to the present invention having one of the sections having thicker walls than the walls of the other section. Please see page 3, [0019], last two lines. Neither of the references suggests or teaches such a rigid spacer. It is therefore clear that Wirkus and Alcazar fail to come up with the present invention as claimed. It is respectfully requested that the rejection be withdrawn.

Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Wirkus above and Alcazar and further in view of Sholton (US 5,485,702). This rejection is respectfully traversed. Claim 3 depends from amended claim 1, and is allowable for the same reasons stated above with respect to claim 1. Sholton does not overcome the deficiencies of the other two references. It is respectfully requested that the rejection be withdrawn.

Claim 4 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Wirkus above and Alcazar also above and further in view of Waterhouse. This rejection is respectfully traversed. Claim 4 depends from amended claim 1, and is allowable for the same reasons stated above with respect to claim 1. Waterhouse does not overcome the deficiencies of the other two references. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that all the claims pending in the present application are allowable. Reexamination and reconsideration of the claims are respectfully requested and an allowance at an early date solicited.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 07-1853 (Order No. 045499.5) during the pendency of prosecution of this application. Should such

additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

Respectfully submitted,



---

Hisako Muramatsu  
Registration No. 34,955

Dated: April 13, 2007

**SQUIRE, SANDERS & DEMPSEY L.L.P.**  
One Maritime Plaza, Suite 300  
San Francisco, CA 94111-3492  
Telephone: (415) 954-0200  
Facsimile : (415) 393-9887